

IN RE: P. STEPHEN TURO

Order (public reprimand) entered by the Board on March 12, 2007.

SUMMARY¹

In April of 2005, three checks drawn on the respondent's IOLTA account were dishonored. All three checks were resubmitted and paid. Due to the respondent's poor record keeping, he was not able to determine the exact cause of the problems that resulted in the checks being dishonored.

Commencing at least as of February 2005, the respondent's IOLTA account became commingled when he failed to promptly remove all of his earned fees from the IOLTA account. The respondent's commingling of personal and clients' funds in the IOLTA account violated Mass. R. Prof. C. 1.15(b). The respondent also withdrew accumulated fees by writing numerous checks in payment for personal obligations, in violation of Mass. R. Prof. C. 1.15(e)(4).

Commencing at least as of February 2005, the respondent further failed to maintain complete records of the receipt, maintenance, and disposition of clients' funds in the IOLTA account and failed to prepare and maintain the account records required by Mass. R. Prof. C. 1.15 (f) as follows:

- a. The respondent failed to prepare and maintain a check register for the IOLTA account that specified for each deposit and withdrawal the identity of the client matter for which funds were deposited or disbursed, in violation of Mass. R. Prof. C. 1.15(f)(1)(B);
- b. The respondent failed to prepare and maintain a chronological ledger for each client or third person for whom funds were maintained in the IOLTA account documenting each receipt and disbursement,, the identity of the client matter for which funds were deposited or disbursed, and the balance held for the client or third person, in violation of Mass. R. Prof. C. 1.15(f)(1)(C);
- c. The respondent failed to prepare and maintain a chronological ledger for his funds deposited in the IOLTA account for bank charges and fees, documenting each deposit and expenditure of his funds and the balance remaining, in violation of Mass. R. Prof. C. 1.15(f)(1)(D); and
- d. The respondent failed to prepare and maintain reconciliation reports at least every sixty days showing the required reconciliation of check registers, individual ledgers, and bank statements for the IOLTA account, in violation of Mass. R. Prof. C. 1.15(f)(1)(E).

The respondent has been a member of the bar since April 25, 1966. He had no prior discipline.

By no later than August 2005, the respondent knew that he was not keeping adequate records of his IOLTA account. Despite receipt of three bounced check notices and multiple communications from bar counsel, the respondent ignored his obligations to safeguard client funds, and did not correct his record keeping to conform it to the requirements of the Mass. R. Prof. C. 1.15 until after October 2006.

The matter came before the Board of Bar Overseers on a stipulation of facts and a joint recommendation for discipline. On February 12, 2007, the Board voted to accept the parties' stipulation and to impose a public reprimand. While it accepted the stipulation in these circumstances, the Board indicated that, in the absence of a fully litigated proceeding, it would not treat this particular case as precedent regarding the appropriate sanction for violation of the revised record-keeping rule, Mass. R. Prof. C.1.15, which became effective on July 1, 2004.

¹ Compiled by the Board of Bar Overseers based on the record of proceedings before the Board.

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